

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

**A PLAN FOR THE TRANSFER OF THE STATE PLANNING COMMISSION AND THE
OFFICE OF SMART GROWTH AND THEIR FUNCTIONS, POWERS, AND DUTIES
FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE DEPARTMENT OF
STATE**

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 002-2011 (the "Plan") to transfer the State Planning Commission and the Office of Smart Growth (hereinafter collectively referred to as the "State Planning Entities") from the Department of Community Affairs to the Department of State, thereby promoting efficiency and effectiveness in the execution of the important growth planning and coordination responsibilities of the State Planning Entities. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group identified a need to strengthen the State Planning Entities and recommended transferring their functions to the Department of State in order to reinvigorate the planning functions of State government.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline and realign important strategic and coordination responsibilities with respect to growth and land use planning in New Jersey. The State Planning Entities were established within the Department of the Treasury pursuant to the State Planning Act, and were subsequently reorganized within the Department of Community Affairs. These entities are charged with, inter alia, coordinating long-term and short-term planning for growth, economic development, urban renewal, agriculture, natural resource preservation, open space conservation, and other appropriate land uses throughout the State. The State Planning Entities' responsibilities include working closely with stakeholders at the State and local levels and coordinating with

2
STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

principal departments of State government to target and coordinate the State's resources and funding in ways that enhance the quality of life for residents of New Jersey.

The State Planning Entities are currently allocated within the Department of Community Affairs, which is primarily charged with providing administrative guidance, support, and technical assistance to local government units, as well as administrative responsibility regarding affordable housing. However, modern land use planning necessarily must integrate a large number of interests that are regulated by different agencies and departments of government, including transportation, housing, environmental protection, energy, economic development, public services, facilities, and institutions. New Jersey's planning and regulatory environment has previously sent conflicting signals about where growth will be supported by State permits and policy. The Department of State enjoys central placement in the architecture of State government and is well positioned to balance and coordinate the myriad of competing interests that must be reconciled in order to achieve successful land use and growth planning.

Moreover, pursuant to an Intergovernmental Agreement between the Department of State and the Department of Community Affairs executed in August 2010, the Department of State has been successfully assisting in the performance of many of the responsibilities undertaken in the past by the Department of Community Affairs. Consistent with the purposes of that agreement, this Plan transfers the State Planning Entities and all of their functions, powers, duties, and personnel from the Department of Community Affairs to the Department of State in order to better position them to accomplish their missions.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203

³
STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

(C.52:14C-1 et seq.), I find, with respect to the transfer and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The State Planning Commission created pursuant to P.L. 1985, c. 398 (C.52:18A-196 et seq.) is transferred from the Department of Community Affairs to the Department of State.
2. The Office of Smart Growth, originally created as the Office of State Planning pursuant to P.L. 1985, c. 398 (C.52:18A-196 et seq.), is transferred from the Department of Community Affairs to the Department of State and is renamed as the "Office of Planning Advocacy."

3. The structure and operations of the State Planning Entities shall not be affected by this transfer. All of the powers, functions, and duties exercised by the State Planning Entities are continued, transferred to, and vested in the State Planning Commission and the Office of Planning Advocacy, as the case may be, and are allocated and organized within the Department of State.

4
STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4. All files, books, papers, records, equipment, other property held by the State Planning Entities, including, without limitation, funds and other resources, and personnel are transferred to the Department of State, pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.

5. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the State Planning Commission in the Department of Community Affairs is made, the same shall mean the State Planning Commission in the Department of State, and whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Office of Smart Growth in the Department of Community Affairs is made, the same shall mean the Office of Planning Advocacy in the Department of State, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

5
STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."